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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,616	11/16/2001	Baoquan A. Zhang	1676	4704
28005	7590	09/07/2005	EXAMINER	
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,616

Applicant(s)

ZHANG ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1-4** are rejected under 35 U.S.C. 102(e) as being anticipated by Bull et al. (US 6,498,841 B2).

Regarding **claim(s) 1**, Bull discloses a method for providing real-time service provisioning at a customer premises equipment (FIG. 2 and column 1, lines 14-16), the method comprising:

receiving an incoming call to the customer premises equipment at a switch in a carrier network, and responsively sending a query for call handling instructions from the switch to a service control node in the carrier network (FIG. 2 and column 6, lines 3-33);

providing one or more choices corresponding to handling of the incoming call for selection at the customer premises equipment in response to receipt of the query for call handling instructions at the service control node (FIG. 2 and column 9, lines 7-35);

receiving at the service control node an indication of a choice selected at the customer premises equipments and providing a response to the query from the service control node to the switch, wherein the response to the query includes call handling instructions corresponding to the selected choice (FIG. 2 and column 9, lines 7-42); and

processing the incoming call at the switch according to the response received from the service control node (FIG. 2 and column 9, lines 7-42).

Regarding **claim(s) 2**, Bull discloses a method further comprising: providing call information at the customer premises equipment (column 9, lines 2-6).

Regarding **claim(s) 3**, Bull discloses a method further comprising: selecting one of the one or more choices at the customer premises equipment, wherein the selection of one of the one or more choices generates a response message from the customer premises equipment, the response message including the indication of the selected choice (column 9, lines 7-35).

Regarding **claim(s) 4**, Bull discloses a method wherein processing the incoming call corresponds to connecting the call to the customer premises equipment, forwarding the call to voice mail, or forwarding the call to a third party (column 9, lines 7-35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim(s) 5-8, 10-13 and 15-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of Tran et al. (US 6,154,646).

Regarding **claim(s) 7**, Bull discloses all the limitations of **claim(s) 7** as stated on **claim(s) 1**'s rejection above but fails to disclose receiving at a mobile switching center an incoming call from a first mobile station to a second mobile station.

However, Tran teaches receiving at a mobile switching center an incoming call from a first mobile station to a second mobile station (column 2, lines 51-65).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Bull using the mobile network as taught by Tran.

This modification of the invention enables the system to receive at a mobile switching center an incoming call from a first mobile station to a second mobile station so that the user would select the call treatment for an incoming call in real time.

Regarding **claim(s) 5 and 8**, Tran teaches a method wherein providing one or more choices at the customer premises equipment is provided by a short message service message (column 3, lines 9-19).

Regarding **claim(s) 6**, Tran teaches a method wherein the customer premises equipment is a mobile telephone, a personal digital assistant, a pager, or other hand-held wireless device (column 2, lines 36-50).

Regarding **claim(s) 10**, Tran teaches a method wherein providing one or more choices at the second mobile station comprises: a web-server providing one or more choices at the second mobile station (column 3, lines 40-59).

Regarding **claim(s) 11**, Tran teaches a web-server receiving the choice selected at the second mobile station and sending the selected choice to the service control node (column 3, lines 40-59).

Regarding **claim(s) 12 and 15**, Bull discloses a method for providing real-time service provisioning wherein the service control node is a service control point (column 6, lines 17-33).

Regarding **claim(s) 13**, Bull discloses all the limitations of **claim(s) 13** as stated on **claim(s) 1**'s rejection above but fails to disclose a web-server for receiving the information in the internet domain.

However, Tran teaches a web-server for receiving the information in the internet domain (column 3, lines 9-19).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Bull using the mobile network as taught by Tran.

This modification of the invention enables the system to have a web-server for receiving the information in the internet domain so that the user would select the call treatment for an incoming call in real time.

Regarding **claim(s) 16**, Tran teaches a system for providing service provisioning in real time, wherein the service control node communicates with the web-server over an HTTP packet network (column 3, lines 40-59).

Regarding **claim(s) 17**, Tran teaches a system for providing service provisioning in real time, further comprising:

a second server (19 on FIG. 1); and

a call processing entity in communication with the second server (column 3, lines 20-33);

wherein the second server pushes an alert message containing the one or more choices via the call processing entity to the mobile switching center, and wherein the mobile switching center forwards the alert message to the second mobile station (column 3, lines 20-33).

Regarding **claim(s) 18**, Tran teaches a system for providing service provisioning in real time, wherein the call processing entity is a short message service center (column 3, lines 9-19).

Response to Arguments

8. Applicant's arguments with respect to **claim(s) 1-8, 10-13 and 15-18** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER
PATENT EXAMINER**

g.g.
August 29, 2005


**FAN TSANG
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